

**Atty Docket No.: IDF 1761  
(4000-06400)**

**Patent**

### **REMARKS**

At the time of the Office Action of September 21, 2005, claims 1-12 were pending in the present application. Claims 1-12 have been rejected. The Applicants traverse the rejections and request reconsideration.

### **CLAIM OBJECTIONS**

The Examiner objected to claims 11 and 12 which were originally identified as claims 12 and 13 and were dependent from the claim originally identified as claim 11. As currently numbered, claims 11 and 12 should depend from claim 10. Correction has been made in this amendment.

As shown in the claim amendments:

original claim 10 has been renumbered as claim 9,

original claim 11 has been renumbered as claim 10,

original claim 12 has been renumbered as claim 11, and

original claim 13 has been renumbered as claim 12.

### **CLAIM REJECTIONS – 35 USC § 102**

Claims 1-12 have been rejected as anticipated by the Bhatia et al. US Patent 6,118,768. The Applicants traverse these rejections.

As to claim 1:

As to the first step of claim 1, the Examiner asserts that at col. 26, lines 28-32, Bhatia discloses the LAN modem can be remotely configured and further asserts that it

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is inherent that a configuration file is received in the LAN modem or "telecommunications hub".

The cited portion of Bhatia teaches only that the LAN modem "can be remotely configured via a networked connection". Bhatia does not teach or suggest receiving a configuration file at all, much less from a remote location. A teaching is not inherent unless it necessarily exists in the disclosed structure or method. Bhatia teaches only one way to configure the LAN modem and that is by manual entry of parameters by the user using a workstation connected to the LAN. (see col. 4, lines 45-51; col. 5, lines 4-10; col. 7, lines 22-25; col. 24, lines 14-16; col. 24, line 55 to col. 25, line 5) The LAN modem actually configures itself by receiving individual parameters and arguably could create a configuration file, but never specifically says it does create "a", i.e. one, configuration file with all relevant parameters needed to operate all the various applications. Bhatia never teaches receiving such a file, but only teaches collecting various parameters that would normally be considered part of a configuration file.

As to the second step of claim 1, the Examiner asserts that at col. 24, lines 59-64, Bhatia teaches that a user at the workstation will interactively enter network parameters and other required data to properly configure the LAN modem.

While the cited portion of Bhatia does teach manually entering parameters on a workstation in the local network, this has no relationship to the second step of claim 1. The second step requires identifying parameters in the new configuration file which are different than existing parameters stored in the customer premises hub. The second step is performed after a configuration file, i.e. a complete set of parameters, has been received. The contents of that new file are compared to the old or existing file to see if

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they are different. As noted above, Bhatia only teaches entering individual parameters that the modem uses to configure itself. Bhatia teaches nothing about comparing such parameters to ones that might have been previously received.

As to the third step of claim 1, the Examiner asserts that at col. 24, lines 55-67, Bhatia teaches dynamically constructing a default web page through which the user can choose to configure the LAN modem.

While the cited portion of Bhatia does teach that a web page is dynamically constructed to provide a means by which the user can configure, and reconfigure, the modem, this has nothing to do with the third step of claim 1. The third step requires checking the parameters that are different (as determined in step 2) to determine whether they can be changed dynamically (as opposed to requiring a reboot). Bhatia provides no teaching or suggestion concerning the possibility of changing configuration parameters dynamically, i.e. without rebooting. Bhatia cannot teach means or a method for checking whether parameters can be dynamically changed when Bhatia does not even recognize the possibility of doing so. Dynamically constructing a web page and dynamically changing configuration parameters are two completely different and unrelated processes.

As to the fourth step of claim 1, the Examiner asserts that at col. 17, lines 49-57, Bhatia teaches that if the LAN modem has not yet been initially configured, Configuration Manager 401 updates certain portions of local database 416 with data representing the present configuration of the LAN modem and its users.

While the cited portion of Bhatia teaches how the modem collects some of the parameters needed to configure itself, it has nothing to do with the fourth step of claim

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1. The fourth step is dynamically changing the parameters, if in the third step it was determined that all the parameters could be dynamically changed, i.e. without rebooting. Bhatia teaches nothing about dynamically changing parameters and therefore could not teach performing dynamic changing of parameters.

Bhatia clearly fails to teach or suggest any of the steps of claim 1, much less all of the steps of claim 1. As a result, the Applicants submit that claim 1 is clearly patentable over the Bhatia reference. Since claims 2-8 depend from claim 1, Applicants submit that claims 2-8 are likewise patentable over the Bhatia reference.

As to claim 2, the Examiner asserts that, at col. 24, lines 40-44, Bhatia teaches that the modem stores the IP address and subnet values for the modem in database 416 and automatically resets the modem so that the addresses override the default values. Assuming, for this argument only, that resetting is the same thing as rebooting, this section of Bhatia is consistent with prior art teachings requiring rebooting whenever a configuration parameter is changed. This teaching illustrates the improvements provided by the present invention that provides means for changing configuration parameters without rebooting thereby reducing the amount of time the hub may be out of service while rebooting.

**As to claim 9:**

As to the first limitation of claim 9, the Examiner asserts that In Fig. 1 and at col. 22, lines 1-7 Bhatia teaches the remote network, on the WAN side, identified by the source and destination IP addresses.

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As to the second limitation of claim 9, the Examiner asserts that in Fig. 3, item 376, Bhatia teaches a memory storing a configuration file. As noted above, Bhatia does not actually discuss a configuration file as such, but must store parameters as part of configuring itself.

As to the third limitation of claim 9, the Examiner asserts that in Fig. 3 Bhatia shows the entire third limitation. While it may be presumed that the CPU of Bhatia contains a number of functional program modules that operate with configuration parameters, Bhatia does not teach a configuration file as such, i.e. a configuration file containing all the configuration parameters. Bhatia clearly does not teach that each functional module stores configuration file parameters which affect its parameters. Bhatia clearly does not teach that each functional module has a check function. Bhatia clearly does not teach that each functional module has an update function.

As to the fourth limitation of claim 9, the Examiner asserts that in Fig. 1, Fig. 4B, and col. 18, lines 3-7, Bhatia discloses various portions of this information, such as the serial number, product name, and private IP address range are initially stored in the EPROM (within EPROM and watchdog time 380 shown in Fig. 3) and after power-on reset has occurred, copied into the flash memory.

The fourth limitation requires a configuration update module adapted to receive a configuration file over the wide area network. Bhatia does not teach a configuration update module, especially one adapted to receive a configuration file over the WAN. The EPROM is part of modem itself and the data is read from it without use of any network. As noted above, Bhatia does not discuss a configuration file, or receiving a configuration file from any source. It only discusses receiving manually input

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parameters and configuring the modem internally. The fourth limitation requires that the update module call the check function and the update function in each functional module. Since the functional modules of Bhatia do not have the check function and the update function, it would not be possible for a configuration update module in Bhatia to call such functions, even if Bhatia had a configuration update module, which it does not.

In view of the substantial elements of claim 9 that are not shown or suggested by Bhatia, the Applicants submit that claim 9 is patentable over the Bhatia reference.

As to claim 10:

As to the first limitation of claim 10, the Examiner asserts that at col. 12, lines 63-65, Bhatia discloses LAN modem between all the workstations connected to the LAN modem and associated remote server.

The cited portion of Bhatia merely discusses addressing methods that allow the workstations of the LAN to communicate with remote servers, e.g. a Google server. The first limitation is a configuration server. Since Bhatia does not teach configuration files, or downloading configuration files from a file server, it cannot and does not teach a configuration server.

As to the second limitation of claim 10, the Examiner asserts that at col. 26, lines 28-32, Bhatia teaches that the modem can be remotely configured and that it is inherent that a configuration file is received in the modem.

The cited portion of Bhatia teaches only that the LAN modem "can be remotely configured via a networked connection". Bhatia does not teach or suggest receiving a configuration file at all, much less from a remote location. A teaching is not inherent

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unless it necessarily exists in the disclosed structure or method. Bhatia teaches only one way to configure the LAN modem and that is by manual entry of parameters by the user using a workstation connected to the LAN. (see col. 4, lines 45-51; col. 5, lines 4-10; col. 7, lines 22-25; col. 24, lines 14-16; col. 24, line 55 to col. 25, line 5) The LAN modem actually configures itself by receiving individual parameters and arguably could build a configuration file, but never specifically says it does create "a", i.e. one, configuration file with all relevant parameters needed to operate all the various applications. Bhatia never teaches receiving such a file, but only teaches collecting various parameters that would normally be considered part of a configuration file.

As to the third limitation of claim 10, the Examiner asserts that at col. 6, line 62 to col. 7, line 5, Bhatia teaches comparing the entire executable code stored in DRAM, on a location by location basis with that stored in flash memory.

It is true that Bhatia teaches comparing of the "executable code" in flash memory with the "executable code" in DRAM and further teaches correcting any errors it finds in the DRAM copy as it finds the errors on a location by location basis. However, the third limitation has nothing to do with the "executable code". Instead, the third limitation is means for comparing the configuration parameters then controlling operation of the hub to parameters contained in the new configuration file and identifying those parameters that are different. Configuration parameters and executable code are two different things. The third limitation does not include changing any code, but only identifying parameters that are different, and therefore need to be changed.

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As to the fourth limitation of claim 10, the Examiner asserts that at col. 63, lines 44-46, Bhatia teaches automatically adapting a value of predefined network parameters associated with the network communication device.

While the cited portion of the claims of Bhatia may have something to do with automatically adapting a value of a predefined network parameter, it does not teach or suggest any means for identifying configuration parameters that can be changed dynamically, i.e. without rebooting. Bhatia provides no teaching concerning the differences between configuration parameters that can be changed dynamically and those that require rebooting.

As to the fifth limitation of claim 10, the Examiner asserts that at col. 17, lines 49-57, Bhatia teaches that if the LAN modem has not yet been initially configured, Configuration Manager 401 updates certain portions of local database 416 with data representing the present configuration of the LAN modem and its users.

While the cited portion of Bhatia teaches how the modem collects some of the parameters needed to configure itself, it has nothing to do with the fifth limitation of claim 10. The fifth limitation is means for dynamically changing the parameters, if in the fourth limitation it was determined that all the parameters could be dynamically changed, i.e. without rebooting. Bhatia teaches nothing about dynamically changing parameters and therefore could not teach performing dynamic changing of parameters.

Thus many of the limitations of claim 10 are not disclosed or suggested by Bhatia. The Applicants submit that claim 10 is clearly patentable over the Bhatia reference. Since claims 11 and 12 depend from claim 10, Applicants submit that these claims are likewise patentable over the Bhatia reference.



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### CONCLUSION

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

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Date: DEC. 5, 2005

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